# \*\*DRONES AFFIRMATIVE – HS NOVICE\*\*

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### Summary

#### The Drone Surveillance case discusses a method of restricting the amount and type of data that can be collected by the government. Drones have been used for both surveillance and defense purposes for more than a decade and are rapidly becoming prominent in the United States. Law enforcement agencies in particular are considering using drones as a method or surveillance, but there is some public fear that they may become weaponized. Current regulations around drones are vague, and while some limits have been set, many are not enforceable or allow law enforcement officials to extend the limit if they determine it is necessary.

#### The problem that is highlighted in the Affirmative case is that drones have an enhanced capability to eliminate the privacy of the general public. Drones can be used from great distances for round-theclock surveillance. Furthermore, this type of surveillance is not protected against by the federal government. While the government does protect its citizens against unreasonable search and seizure with the Fourth Amendment of the Constitution, there are no current legal precedents that define the usage of drones as a “search.” While many people think that privacy is a fundamental right, the Constitution does not protect our right to privacy from drones in any way.

#### The plan suggests that the federal government require law enforcement agencies to apply for a warrant before flying a drone mission. This plan will solve the privacy issue by giving the public rights against certain types of searches and creating a legal precedent to defend themselves in court. Adequate protection of privacy will set precedents for future protection against drones and other excessive law enforcement techniques.

#### Remember – this file gives you evidence for your speech. You shouldn’t simply read every piece of evidence in this file in your debates – you should spend time in your speech comparing your evidence to the other teams and spinning a story about why the plan is essential to improve the world (using this evidence to back up your claims). Good luck!

### Glossary (1/3)

**4th amendment**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no Warrants shall issue but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Customs and Border Protection (CBP)**

Customs and Border Protection (CBP) is the largest federal law enforcement agency of the United States Department of Homeland Security charged with regulating and facilitating international trade, collecting import duties, and enforcing U.S. regulations, including trade, customs, and immigration.

**Department of Homeland Security (DHS)**

The United States Department of Homeland Security (DHS) is a cabinet department of the United States federal government, created in response to the September 11 attacks, and with the primary responsibilities of protecting the territory of the United States and protectorates from and responding to terrorist attacks, man‐made accidents, and natural disasters. In fiscal year 2011 it was allocated a budget of $98.8 billion and spent, net, $66.4 billion.

**Drug Enforcement Administration (DEA)**

The Drug Enforcement Administration (DEA) is a United States federal law enforcement agency under the U.S. Department of Justice, tasked with combating drug smuggling and use within the United States. Not only is the DEA the lead agency for domestic enforcement of the Controlled Substances Act, sharing concurrent jurisdiction with the Federal Bureau of Investigation (FBI) and Immigration and Customs Enforcement (ICE), it also has sole responsibility for coordinating and pursuing U.S. drug investigations abroad.

**Federal Bureau of Investigation (FBI)**

The Federal Bureau of Investigation (FBI) is the domestic intelligence and security service of the

United States, which simultaneously serves as the nation's prime Federal law enforcement

organization. Operating under the jurisdiction of the U.S. Department of Justice, FBI is concurrently

a member of the U.S. Intelligence Community and reports to both the Attorney General and the

Director of National Intelligence. A lead U.S. counterterrorism, counterintelligence, and criminal

investigative organization, FBI has jurisdiction over violations of more than 200 categories of

federal crime.

**Foreign Intelligence Surveillance Act**

The original version of this law, passed in 1978, set out the conditions under which a special court would authorise electronic surveillance if people were believed to be engaged in espionage or planning an attack against the US on behalf of a foreign power. Following the 9/11 attacks, the Bush administration secretly gave the NSA permission to bypass the court and carry out warrantless surveillance of al‐Qaeda suspects, among others. After this emerged in 2005, Congress voted to both offer immunity to the firms that had co‐operated with the NSA's requests and to make amendments to Fisa. The relaxation to the rules, introduced in 2008, meant officials could now obtain court orders without having to identify each individual target or detail the specific types of communications they intended to monitor so long as they convinced the court their purpose was to gather "foreign intelligence information". In addition, they no longer had to confirm both the sender and receiver of

### Glossary (2/3)

**Foreign Intelligence Surveillance Act (continued)**

the messages were outside the US, but only had to show it was "reasonable" to believe one of the parties was outside the country.

**Freedom of Information Act (FOIA)**

The Freedom of Information Act (FOIA), 5 U.S.C. § 552, is a federal freedom of information law that allows for the full or partial disclosure of previously unreleased information and documents controlled by the United States government. The Act defines agency records subject to disclosure, outlines mandatory disclosure procedures and grants nine exemptions to the statute.

**Federal Aviation Administration (FAA)**

The Federal Aviation Administration (FAA) is the national aviation authority of the United States. An agency of the United States Department of Transportation, it has authority to regulate and oversee all aspects of American civil aviation.

**Judiciary**

The judiciary (also known as the judicial system or court system) is the system of courts that interprets and applies the law in the name of the state. The judiciary also provides a mechanism for the resolution of disputes. Under the doctrine of the separation of powers, the judiciary generally does not make law (that is, in a plenary fashion, which is the responsibility of the legislature) or enforce law (which is the responsibility of the executive), but rather interprets law and applies it to the facts of each case. This branch of the state is often tasked with ensuring equal justice under law. It usually consists of a court of final appeal (called the "Supreme court" or "Constitutional court"), together with lower courts.

**National Security Agency (NSA**)

The US government agency tasked with gathering intelligence for the country's government and military leaders, and preventing foreign adversaries from gaining access to classified national security information.

**Panopticon**

A conceptual prison imagined by Jeremy Bentham in the late 18th century. Panopticon is a circular prison where the cells are located around the circumference and a guard tower is located in the middle of all the cells. Inside of the cells, the prisoners can only see the inside of the cell room, nothing on the outside, while the guard is able to see everything that the prisoners are doing. The idea behind panopticon can be reduced to self‐policing. The prisoners assume they are in a permanent state of visibility so, regardless if a guard is actually watching or not, the prisoner will behave on their own because they think they are being watched.

**Privacy**

Legal scholars use the term “privacy” to mean at least four kinds of legal rules governing (1) invasions into protected spaces, relationships, or decisions; (2) collection of information, (3) use of information, and (4) disclosure of information.

### Glossary (3/3)

**Probable Cause**

A requirement found in the Fourth Amendment that must usually be met before police make an arrest, conduct a search, or receive a warrant. Courts usually find probable cause when there is a reasonable basis for believing that a crime may have been committed (for an arrest) or when evidence of the crime is present in the place to be searched (for a search). Under exigent circumstances, probable cause can also justify a warrantless search or seizure. Persons arrested without a warrant are required to be brought before a competent authority shortly after the arrest for a prompt judicial determination of probable cause.

**Search Warrant**

A search warrant is a warrant issued by the competent authority authorizing a police officer to search a specified place for evidence even without the occupant’s consent. A search warrant is generally required to validate a Fourth Amendment search, subject to a few exceptions.

**Surveillance**

The systematic observation of aerospace, surface, or subsurface areas, places, persons, or things, by visual, aural, electronic, photographic, or other means.

**Totalitarian**

Totalitarianism is a political system in which the state holds total authority over the society and seeks to control all aspects of public and private life wherever possible.

**Unmanned Aerial Vehicle (UAV)**

An aircraft with no pilot on board. UAVs can be remote controlled aircraft (e.g. flown by a pilot at a ground control station) or can fly autonomously based on pre‐programmed flight plans or more complex dynamic automation systems.

**Unmanned Aerial System (UAS)**

A term that is frequently used in conjunction with UAV’s. UAS is a broad term used to describe unmanned communication systems that require staff members for control. Moreso, it is a term that includes drones that must be operated and controlled by a person such as Remotely Piloted Aircrafts (RPA’s).

### 1AC (1/6)

#### First, we will prove the scope of drone use now:

#### Law enforcement agencies have developed fleets of drones – their use as a tool for mass surveillance will increase exponentially in the near future.

Barry, senior policy analyst at Center for International Policy, 2013

(Tom, “Drones Over Homeland,” April 23, *CIP*, Online: <http://www.ciponline.org/research/html/drones-over-the-homeland>)

Drones are proliferating at home and abroad. A new high-tech realm is emerging, where remotely controlled and autonomous unmanned systems do our bidding. Unmanned Aerial Vehicles (UAVs) and Unmanned Aerial Systems (UAS) – commonly known as drones – are already working for us in many ways. This new CIP International Policy Report reveals how the military-industrial complex and the emergence of the homeland security apparatus have put border drones at the forefront of the intensifying public debate about the proper role of drones domestically. Drones Over the Homeland focuses on the deployment of drones by the Department of Homeland Security (DHS), which is developing a drone fleet that it projects will be capable of quickly responding to homeland security threats, national security threats and national emergencies across the entire nation. In addition, DHS says that its drone fleet is available to assist local law-enforcement agencies. Due to a surge in U.S. military contracting since 2001, the United States is the world leader in drone production and deployment. Other nations, especially China, are also rapidly gaining a larger market share of the international drone market. The United States, however, will remain the dominant driver in drone manufacturing and deployment for at least another decade. The central U.S. role in drone proliferation is the direct result of the Pentagon’s rapidly increasing expenditures for UAVs. Also fueling drone proliferation is UAV procurement by the Department of Homeland Security, by other federal agencies such as NASA, and by local police, as well as by individuals and corporations. Drones are also proliferating among state-level Air National Guard units. Despite its lead role in the proliferation of drones, the U.S. government has failed to take the lead in establishing appropriate regulatory frameworks and oversight processes. Without this necessary regulatory infrastructure – at both the national and international levels – drone proliferation threatens to undermine constitutional guarantees, civil liberties and international law.

### 1AC (2/6)

#### Regulations on drone use by government agencies only covers safety standards – there is NO oversight on how they are used, guaranteeing massive privacy violations.

O’Brien, Editor of Journal of Information Technology and Privacy Law, 2013

(Jennifer, “WARRANTLESS GOVERNMENT DRONE SURVEILLANCE: A CHALLENGE TO THE FOURTH AMENDMENT,” *The John Marshall Journal of Information Technology & Privacy Law*, 30:1, Online: http://repository.jmls.edu/cgi/viewcontent.cgi?article=1732&context=jitpl)

The next transition for drone technology will be public use by law enforcement.61 Drones are increasingly being used in a vast array of civilian and governmental situations.62 An example of a future law enforcement drone is AeroVironment’s “Qube,” already advertised as “targeting the needs of first responders.”63 Among the highlighted features of the Qube is its size,64 mobility,65 and advanced technology.66 Smaller drones, like the Qube, will cost significantly less than current police helicopters.67 In response to the growing interest in domestic drones, a need for the development of regulatory standards has been recognized.68 Since 1958 the FAA has been charged with ensuring the safe and efficient operation of aircraft in national airspace.69 Therefore, the FAA will regulate the operation of domestic drones since drones will be flown in the national airspace.70 Under current FAA policy, unmanned aircraft use is prohibited in the National Airspace System without specific FAA authorization.71 In light of increasing demand for drones and several safety concerns with drone operation in the national airspace, the FAA published guidelines for operating drones in 2007.72 These FAA guidelines distinguish between civil and public drone use.73 For civil drone use to be authorized, the operator must be issued a Special Airworthiness Certificate.74 The FAA presently only issues a Special Airworthiness Certificate for experimental uses. 75 An operator who has been issued an experimental certificate may not use a drone for “compensation or hire.”76 The FAA denotes law enforcement drone use as “public use.”77 For public operation of a drone, the law enforcement entity must be issued a Certification of Authorization or Waiver (“COA”).78 The COA outlines the limitations on the use of the drone.79 The operator of the drone must also meet certain FAA requirements.80 On February 14, 2012, President Obama signed into law the FAA Modernization and Reform Act of 2012. 81 The Act not only details FAA funding for the next four years but also mandates the FAA to develop guidelines for civil and public unmanned aircraft integration into the national airspace.82 The Act ultimately requires the FAA to have implemented regulations for public and civilian drone use by December 2015.83 The Act expressly directs the FAA to permit law enforcement operation of unmanned aircraft that weigh less than 4.4 pounds under specified restrictions.84 The FAA’s stated mission and focus while working to integrate unmanned aircraft into the national airspace is safety.85 One of the biggest safety concerns over the integration of drones into the national airspace is the absence of a “sense and avoid” capability in most drones.86 Recent crashes87 and hacks88 have also raised safety concerns over the future nationwide use of drones. In response to the Act, the FAA has started making changes to the current unmanned aircraft guidelines.89 The process for publicly operated drones remains similar to the 2007 process, requiring law enforcement agencies to first apply for a COA.90 This COA will serve training and evaluation purposes and if the agency can prove to be proficient in flying its drone it will be granted an operational COA.91 Along with safety concerns, privacy concerns have also developed over the authorization of governmental domestic drone use.92 The general privacy concern is that drone use will infringe upon areas protected under the Fourth Amendment, areas in which individuals enjoy a reasonable expectation of privacy.93 Privacy concerns have already been raised regarding the use of drones for surveillance along the Canadian and Mexican borders. 94 New advances in drone technologies increase such privacy concerns. 95 Many privacy organizations have called for the FAA to include privacy concerns in the new regulations of unmanned aerial vehicles.96 However, it has also been suggested that the FAA is not properly equipped to create regulations that properly consider individual privacy.97 There is also concern that knowledge that an individual’s daily movements will be under constant surveillance could lead to an overall chilling of First Amendment protected expressions.

### 1AC (3/6)

#### Next, we will prove how harmful expanded drone use is:

#### First, domestic drones are rapidly ushering in a total surveillance state.

**Ghoshray, 2013**

(Dr. Saby [PhD]; “Domestic Surveillance Via Drones: Looking through the Lens of the Fourth Amendment,” Spring 2013; Lexis)

This Orwellian dystopia is no imagination. Rather, it may be coming sooner than any of us can imagine. **Welcome to the post-modern America--where society may be heading to** a fast track dissent into the abyss of **limitless government surveillance. The domestic drones have arrived, and they are almost ready to intrude upon our sacrosanct zone of private seclusion.** n2 The above scenarios are certainly not this author's imagination. They are not bad dreams or morbid fantasies either. Instead, they are based on the recorded incidences of killer drones wreaking havoc in the civilian communities in the rugged mountains of Pakistan, Afghanistan, and Yemen. n3 **The** [\*581] very **same drones are now waiting for** either a legislative nod or the **regulatory approval to begin hovering over the byways and alleys of America.** Yet, it seems the national discourse has not awakened to this new reality. These drones are relatively cheap to build, remotely controlled, and devoid of emotions and physiological limitations. **Today's drones can both strike with deadly finality** n4 **and peer deep into individual** homes with see-through imaging capability, n5 highpowered zoom lenses, n6 and night-vision capability.

### 1AC (4/6)

#### Second, drones destroy any sense of public anonymity - which is a vital part of American democracy.

**Burow, juris doctor at New England School of Law, 2013**

(Matthew, The Sentinel Clouds above the Nameless Crowd: Prosecuting Anonymity from Domestic Drones; 39 New Eng. J. on Crim. & Civ. Confinement 443 – text removed for length)

Walking down the street. Driving a car. Sitting on a park bench. By themselves, these actions do not exhibit an iota of privacy. The individual has no intention to conceal their movements; no confidentiality in their purpose. The individual is in the open, enjoying a quiet day or a peaceful Sunday drive. Yet as Chief Justice Rehnquist commented, **there is uneasiness if an individual suspected that these innocuous and benign movements were being recorded and scrutinized for future reference.** 119 If **the "uneasy" reaction** to which the Chief Justice referred is not based on a sense of privacy invasion, it **stems from something very close to it-a sense that one has a right to public anonymity**. 120 Anonymity is the state of being unnamed. 121 The right to public anonymity is the assurance that, when in public, one is unremarked and part of the undifferentiated crowd as far as the government is concerned. 122 That right is usually surrendered only when one does or says something that merits government attention, which most often includes criminal activity. 123 But when that attention is gained by surreptitiously operated UASs that are becoming more affordable for local law enforcement agencies, "it evades the ordinary checks that constrain abusive law enforcement practices ... : 'limited police resources and community hostility."' 12 5 *[\*\*text removed for brevity*\*\*] Therefore, with a potentially handcuffed judiciary, the protection of anonymity falls to the legislature. Based on current trends in technology and a keen interest taken by law enforcement in the advancement of UAS integration into national airspace, it is clear that drones pose a looming threat to Americans' anonymity. 129 Even when UASs are authorized for noble uses such as search and rescue missions, fighting wildfires, and assisting in dangerous tactical police operations, UASs are likely to be quickly embraced by law enforcement for more controversial purposes. [\*\**text removed for brevity*\*\*] In Bentham's vision, there is no need for prison bars, chains or heavy locks; the person who is subjected to the field of visibility of the omnipresent guard plays both roles and he becomes the subject of his own subjection. 136 For Foucault, this "panopticism" was not necessarily bad when compared to other methods of exercising control as this sort of "subtle coercion" could lead people to be more productive and efficient members of society. 137 Following Foucault's reasoning, an omnipresent UAS circling above a city may be similar to a Panopticon guard tower and an effective way of keeping the peace. The mere thought of detection may keep streets safer and potential criminals at bay. However, the impact on cherished democratic ideals may be too severe. *[\*\*text removed for brevity\*\**] As Justice Douglas understood, government surveillance stifles the cherished ideal of an American society that thrives on free-spiritedness in public. 39 Without the right to walk the streets in public, free from the fear of high surveillance, our American values would dissipate into that resembling a totalitarian state that attacks the idea of privacy as immoral, antisocial and part of the dissident cult of individualism.

### 1AC (5/6)

#### And, drone use distances law enforcement from the people they surveil – justifying increasingly violent repression in the name of security.

**Burow, juris doctor at New England School of Law, 2013**

(Matthew, The Sentinel Clouds above the Nameless Crowd: Prosecuting Anonymity from Domestic Drones; 39 New Eng. J. on Crim. & Civ. Confinement 443 – text removed for length)

This Note has explored the philosophical and psychological effects of panoptic surveillance and the need for protection.2 A mere suspicion of a UAS flying high in sky can have a chilling effect on democracy that most Americans would consider intolerable. 230 But what about the psychological changes UASs will bring about in law enforcement? The following is an excerpt from a news report on the mindset of UAS pilots who operate military drones in overseas combat missions: Bugsplat is the official term used by US authorities when humans are killed by drone missiles .... [I]t is deliberately employed as a psychological tactic to dehumanise targets so operatives overcome their inhibition to kill .... It was Hitler who coined this phraseology in Nazi Germany during the Holocaust. In Mein Kampf, Hitler refers to Jews as vermin (volksungeziefer) or parasites (volksschtidling). In the infamous Nazi film, Der ewige Jude, Jews were portrayed as harmful pests that deserve to die. Similarly, in the Rwandan genocide, the Tutsis were described as "cockroaches." This is not to infer genocidal intent in US drone warfare, but rather to emphasise the dehumanising effect of this terminology in Nazi Germany and that the very same terms are used by the US in respect of their Pakistani targets. 231 Will John and Jane Doe-the casual saunterer-become part of the next group of bugs that must be swatted in the name of effective law enforcement? In answering that question, we should look to the skies once again and pray to the better angels of our nature for a worthy answer.

### 1AC (6/6)

#### Thus, we propose the following plan:

#### The United States federal government should prohibit the use of drones for domestic surveillance without a warrant.

#### Lastly, requiring warrants ensures the government is accountable – preventing abuse of drones.

Bauer, juris doctor at Boston College, 2013

(Max, “Domestic Drone Surveillance Usage: Threats and Opportunities for Regulation,” *ACLU Briefing Paper*, Online: https://privacysos.org/domestic\_drones)

History shows that our response to threats to our physical safety mustn't involve programs or policies that diminish our core rights. Two centuries ago, during a time of great national insecurity, the War of 1812, the Constitution’s primary author, President James Madison, took virtually no steps to diminish civil liberties. Madison's approach did not lead to the nation’s demise. [56] With the rise of domestic drones as a cherry on top of an already sprawling surveillance state, America is headed in the opposite direction. But there is time yet to ensure the technology doesn't trample all over our rights. If mass drone surveillance is inescapable, warrant and data collection reporting requirements will provide a critical check against government abuses. Justice Brandeis has written, “Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman.” [57] Domestic drones can monitor individuals almost constantly; it’s therefore essential to have sunlight shine upon their operators, to monitor their actions. The publicity necessary to hold their operations accountable to the public requires transparency and accountability. [58] Drone usage will continue to expand and may not stop even at infrared camera surveillance and biometric data acquisition. The Guardian’s Glenn Greenwald has cautioned that although domestic drones may currently be limited to those outfitted only with surveillance equipment, given the increasing militarization of domestic law enforcement, the time may come soon when domestic drones are weaponized. [59] But even short of that futuristic nightmare, drone surveillance already poses a new threat to liberty at home. As our Fourth Amendment search protection diminishes with the progress of technology, [60] legislative initiatives and public outcry may be the only way to protect the right to privacy in the age of domestic drones.

### Answers to: Local agencies will still use drones

#### [ ] State governments are banning drone use by local agencies already.

Hudson, professor of law at Vanderbilt, 2015

(David, “Drones at Home: States eye regulating aerial surveillance,” *ABA Journal*¸ Feb 1, Online: http://www.abajournal.com/magazine/article/how\_should\_states\_regulate\_drones\_and\_aerial\_surveillance)

States are taking notice and considering regulation. According to the National Conference of State Legislators, more than 20 states have passed laws related to drones. Some limit law enforcement’s use of drones or other unmanned aircraft. For example, in Idaho, a law signed in 2013 provides that, except for emergencies “for safety, search-and-rescue or controlled substance investigations,” no person or agency may use a drone to conduct surveillance of private property without a warrant. Tennessee has a similar law known as the Freedom from Unwarranted Surveillance Act. The law allows aggrieved individuals the right to sue law enforcement agencies in civil court for violations. It also provides that “no data collected on an individual, home or areas other than the target that justified deployment may be used, copied or disclosed for any purpose,” and that such data must be deleted within 24 hours of collection. “The legislation doesn’t eliminate the use of drones,” says Austin, Texas-based attorney Gerry Morris, co-chair of the National Association of Criminal Defense Attorneys’ Fourth Amendment Committee. They “require some sort of showing of probable cause. This is something that is constantly overlooked. Just because government officials are required to go get a warrant doesn’t mean they won’t be able to use the drones. It just means that they are required to follow the Constitution when they use them.”

### Answers to: Government agencies won’t abuse drones

#### [ ] Drones are already being abused – that’s because there are literally NO rules about how they are used by government agencies.

**Talai, lawyer with the ACLU, 2014**

(Andrew, “The Fourth Amendment and Police Discretion in the Digital Age,” 102 Cal. L. Rev. 729,

Lexis/SEP)

**Law enforcement agencies have begun deploying drones for routine domestic surveillance operations, unrestrained by constitutional scrutiny.** Indeed, Congress has mandated a comprehensive integration of unmanned aerial systems into the national airspace no later than September 30, 2015. But does the Fourth Amendment to the United States Constitution proscribe such drone surveillance as an unreasonable search? While this question cannot be easily answered under conventional precedents, doctrinal inconsistency raises this Comment’s central question: What role will the Fourth Amendment play in an age of pervasive digital surveillance and limited privacy rights? In the last few decades, the Supreme Court has narrowed its vision of Fourth Amendment rights to an opaque privacy rationale. The Court has muddled doctrine and strained to avoid difficult issues involving technological progress. A recent example of this phenomenon came in the 2012 decision, United States v. Jones, where the Court paradoxically revived the common law trespass test for Fourth Amendment searches, as a proxy for the “degree of privacy that existed” at the founding. This Comment argues, instead, for a “pluralist” approach to understanding Fourth

Amendment searches that would—in addition to securing privacy and property—proscribe any search that is a California nonprofit corporation. CLR and the authors are solely responsible for the content of publications. As such, this Comment’s major concern with domestic drone surveillance is not

“privacy.” In the vast majority of cases, police will not use drones to observe “at what hour each night the lady of the house takes her daily sauna and bath.”60 Although this Comment does not focus on “voyeuristic” or Peeping Tom drones,61 intimate privacy concerns are relevant Fourth Amendment values that deserve protection. To be sure, one can imagine such distasteful surveillance being used for blackmail and persuasion (among other things), even from public vantage points. However, those privacy concerns are being trumpeted so loudly that they have obscured another relevant problem with drone surveillance—discriminatory sorting through discretionary law enforcement. **More precisely, the fear is “provid[ing] law enforcement with a swift, efficient, invisible, and cheap way of tracking the movements of virtually anyone and everyone they choose.”62 Police, through legislative encouragement and judicial acquiescence, now have power—unmatched in history**—on the streets of this country: “a form of paramilitarized violence found **in a rapidly expanding criminal justice-industrial complex**, with both ideological and material connections to the military industrial complex.”63 **Drone surveillance is yet another tool in the arsenal of police discretion.**

### Answers to: Surveillance only impact criminals

#### [ ] The idea that only those with something to hide should worry trivializes the importance of privacy concerns.

**Scheer, professor of journalism at USC, 2015**

(Robert, They Know Everything About You; Nation Books; p. 81-82)

An even darker defense of the end-of-privacy doctrine had been offered a month earlier by Google's Eric Schmidt, who impugned the innocence of consumers who worry about snooping by Google and other companies. **"If you have something that you don't want anyone to know, maybe you shouldn't be doing it in the first place," Schmidt stated** in an interview for a December 2009 CNBC Special, "Inside the Mind of Google."5 **The ability of the fast-growing Internet data-mining companies to trivialize privacy concerns succeeded because the target audience of younger consumers was either indifferent to invasions of their privacy or ignorant of the extent and depth of that data collection.** It was remarkable that an American social culture that had for so long been moored to a notion of individual sovereignty predicated on the ability to develop one's identity, ideas, and mores in private, had, in a wink, become willing to surrender any such notion. **Americans had fought and died for the right to have privately developed papers, conversations, friendships, and diaries**, especially in our homes. Yet here we were as a society voluntarily moving so much of that into digital spaces owned and managed by corporations we have no control over. This **relinquishing of the most private information about one's essence and aspirations became the norm in a shockingly short period, examined only lightly and in passing.** As we shared more and more with ever-widening social networks, it seemed okay as long as the companies securely stored this precious data, to be used only to enhance the consumer experience. We counted on the self-interest of the corporation not to harm us, not to bite the hand that feeds. But the Snowden revelations changed all that by exposing how easily the government could access-and indeed was accessing our personal info. That troubling confluence between the corporate world and the state caught the public's attention in a way that Internet companies feared might be game changing, threatening the culture of trust needed to continue gathering that data. Also straining global confidence in Internet commerce was the shock of those outside the country who had bought into the myth that US-based multinationals were international in their obligations, but who now found them to be subservient to the whims of Washington. 6 That was a message that US companies, up against a saturated domestic market for their products, found particularly alarming, since they depend on global growth to please shareholders.

### Answers to: Drones won’t violate privacy

#### [ ] Drones ensure that privacy will be eroded – they’re so advanced they can be used in invasive ways.

Stanley & Crump, 2011

(Jay – Senior Policy Analyst @ ACLU & Catherine – Professor @ Berkeley Law School, “Protecting Privacy From Aerial Surveillance: Recommendations for Government Use of Drone Aircraft,” *ACLU*, Online: <https://www.aclu.org/files/assets/protectingprivacyfromaerialsurveillance.pdf>)

Tracking. The Justice Department currently claims the authority to monitor Americans’ comings and goings using GPS tracking devices—without a warrant. Fleets of UAVs, interconnected and augmented with analytics software, could enable the mass tracking of vehicles and pedestrians around a wide area. • New uses. The use of drones could also be expanded from surveillance to actual intervention in law enforcement situations on the ground. Airborne technologies could be developed that could, for example, be used to control or dispel protesters (perhaps by deploying tear gas or other technologies), stop a fleeing vehicle, or even deploy weapons.61 In addition, drones raise many of the same issues that pervasive video surveillance brings in any context. For example: • Chilling effects. What would be the effect on our public spaces, and our society as a whole, if everyone felt the keen eye of the government on their backs whenever they ventured outdoors? Psychologists have repeatedly found that people who are being observed tend to behave differently, and make different decisions, than when they are not being watched. This effect is so great that a recent study found that “merely hanging up posters of staring human eyes is enough to significantly change people’s behavior.”62 Voyeurism. Video surveillance is susceptible to individual abuse, including voyeurism. In 2004, a couple making love on a dark nighttime rooftop balcony, where they had every reason to expect they enjoyed privacy, were filmed for nearly four minutes by a New York police helicopter using night vision. This is the kind of abuse that could become commonplace if drone technology enters widespread use. (Rather than apologize, NYPD officials flatly denied that this filming constituted an abuse, telling a television reporter, “this is what police in helicopters are supposed to do, check out people to make sure no one is … doing anything illegal”).63 • Discriminatory targeting. The individuals operating surveillance systems bring to the job all their existing prejudices and biases. In Great Britain, camera operators have been found to focus disproportionately on people of color. According to a sociological study of how the systems were operated, “Black people were between one-and-a-half and two-and-a-half times more likely to be surveilled than one would expect from their presence in the population.”64 • Institutional abuse. In addition to abuse by the inevitable “bad apples” within law enforcement, there is also the danger of institutional abuse. Sometimes, bad policies are set at the top, and an entire law enforcement agency is turned toward abusive ends. That is especially prone to happen in periods of social turmoil and intense political conflict. During the labor, civil rights, and anti-Vietnam war movements of the 20th century, the FBI and other security agencies engaged in systematic illegal behavior against those challenging the status quo. And once again today we are seeing an upsurge in spying against peaceful political protesters across America.65 • Automated enforcement. Drones are part of a trend toward automated law enforcement, in which cameras and other technologies are used to mete out justice with little or no human intervention. This trend raises a variety of concerns, such as the fact that computers lack the judgment to fairly evaluate the circumstances surrounding a supposed violation, and may be susceptible to bugs and other software errors, or simply are not programmed to fairly and properly encapsulate the state of the law as passed by legislatures.66

### Answers to: Warrants won’t stop government abuse of drones

#### [ ] Surveillance isn’t inherently bad – it’s a question of making sure it’s used in a limited fashion. Warrants are key to prevent government overstep.

Stanley & Crump, 2011 (Jay – Senior Policy Analyst @ ACLU & Catherine – Professor @ Berkeley Law School, “Protecting Privacy From Aerial Surveillance: Recommendations for Government Use of Drone Aircraft,” *ACLU*, Online: <https://www.aclu.org/files/assets/protectingprivacyfromaerialsurveillance.pdf>)

UAVs are potentially extremely powerful surveillance tools, and that power, like all government power, needs to be subject to checks and balances. Like any tool, UAVs have the potential to be used for good or ill. If we can set some good privacy ground rules, our society can enjoy the benefits of this technology without having to worry about its darker potentials. We impose regulations on what law enforcement can do all the time, for example allowing law enforcement to take a thermal image of someone’s home only when they get a warrant. We need to impose rules, limits and regulations on UAVs as well in order to preserve the privacy Americans have always expected and enjoyed. The ACLU recommends at a minimum the following core measures be enacted to ensure that this happens: • Usage restrictions. UAVs should be subject to strict regulation to ensure that their use does not eviscerate the privacy that Americans have traditionally enjoyed and rightly expect. Innocent Americans should not have to worry that their activities will be scrutinized by drones. To this end, the use of drones should be prohibited for indiscriminate mass surveillance, for example, or for spying based on First Amendment-protected activities. In general, drones should not be deployed except: o where there are specific and articulable grounds to believe that the drone will collect evidence relating to a specific instance of criminal wrongdoing or, if the drone will intrude upon reasonable expectations of privacy, where the government has obtained a warrant based on probable cause; or o where there is a geographically confined, time-limited emergency situation in which particular individuals’ lives are at risk, such as a fire, hostage crisis, or person lost in the wilderness; or o for reasonable non-law enforcement purposes by non-law enforcement agencies, where privacy will not be substantially affected, such as geological inspections or environmental surveys, and where the surveillance will not be used for secondary law enforcement purposes. • Image retention restrictions. Images of identifiable individuals captured by aerial surveillance technologies should not be retained or shared unless there is reasonable suspicion that the images contain evidence of criminal activity or are relevant to an ongoing investigation or pending criminal trial.

### Answers to: Drones create government accountability

#### [ ] There’s currently no accountability for drone use and the information drones collect isn’t shared publicly – mass surveillance only benefits the government.

Stanley & Crump, 2011 (Jay – Senior Policy Analyst @ ACLU & Catherine – Professor @ Berkeley Law School, “Protecting Privacy From Aerial Surveillance: Recommendations for Government Use of Drone Aircraft,” *ACLU*, Online: <https://www.aclu.org/files/assets/protectingprivacyfromaerialsurveillance.pdf>)

One point that is often made with regards to new surveillance technologies is that, while they may increase government surveillance of individuals, they can also increase individuals’ ability to record the activities of officials, which can serve as a check on their power.67 Too often, however, the authorities seek to increase their surveillance over individuals (for example, by installing surveillance cameras throughout public spaces) while restricting individuals’ ability to use that same technology as a check against their power (for example, by attempting to prevent individuals from videotaping police68). Already, security experts have started expressing concern that unmanned aircraft could be used for terrorism69—which naturally raises the question: will individuals be able to make use of the new technology for their own purposes, or will government seek a monopoly over the new technology by citing fears of its use for terrorism?

### Answers to: Drones are key to public safety

#### **[ ] Unrestricted drone use will target profitable crimes like speeding – warrants ensure that drones are only used when they’re necessary for public safety.**

EPIC, 2014 (Electronic Privacy Information Center, “DRONES: Eyes in the Sky,” *Spotlight on Surveillance*, October, Online: https://epic.org/privacy/surveillance/spotlight/1014/drones.html)

The capacity to perform aerial surveillance is not new. However, the economics of aerial surveillance have changed dramatically. Low-cost drones, coupled with leaps in camera technology and cheap data storage, create the capacity for pervasive and indiscriminate surveillance. Surveillance technology is now economically and practically feasible for even small police forces. Quite simply, while the problem of aerial surveillance is quite old, the economic realities of the past served to limit the scope of the surveillance. In the past, a city police force could deploy an airplane or a helicopter with a camera attached to engage in surveillance, but the costs of fuel, a pilot, and video storage would have limited the time such a system remained in the air. Now, for the cost of a single police helicopter, a force could deploy dozens of drones. This capacity creates a host of dangers to civil liberties. Indiscriminate surveillance of an area may capture all of an individual’s movements. The Supreme Court has recognized that this type of data has the potential to reveal the most intimate details of one’s life. [108] Drone technology, such as ARGUS-IS (see above) can track the movements of tens of thousands of individuals at once. This has obvious implications for First Amendment rights, including the right to free association, the right to freely exercise of one’s religion and the right to speak anonymously. It also could threaten a more basic sense of privacy in a free society: the right to live without constant observation by the state. Additionally, the profit-motive of government drone contractors can create problematic incentives that could threaten privacy. When the government outsources law enforcement functions—such as the private ownership of stoplight cameras[109]—private companies are motivated to track the crimes that are the most profitable rather than the crimes that are the most dangerous. Punishing petty infractions such, as jay-walking, littering, and smoking in undesignated areas does not warrant dragnet surveillance of all public behavior. The proliferation of private drones could also have legal implications that make government surveillance more pervasive. For instance, if a drone producer offered cloud storage for information captured by private drones, that information could potentially be collected by the government without a warrant. And under some approaches to Fourth Amendment law, increased drone use by the public could mean that individuals have a reduced expectation of privacy with regard to government drone surveillance. [110] The threat that unregulated drone use poses to civil and constitutional rights is not conjecture. The capacity for indiscriminate surveillance exists. These programs could collect information on the actions of every citizen, without regard to suspicion or any connection to a crime. Law and public policy, at every level of government, must adapt to these technological advancements to ensure that the technical feasibility of a security state does not lead to the creation of one.

### Drones are ineffective

#### [ ] Multiple investigations show drones are ineffective at stopping terrorism – politicians only back drone use to appear strong on border security.

Barry, senior policy analyst at Center for International Policy, 2013

(Tom, “Drones Over Homeland,” April 23, *CIP*, Online: <http://www.ciponline.org/research/html/drones-over-the-homeland>)

The DHS Inspector General’s report is an important addition to a growing library of governmental reports that have exposed the fallacies, inefficiencies, and ineffectiveness of Homeland Security’s border drone program. Together, these reports also reveal an alarming pattern of deception and delusion within Customs and Border Protection and its Office of Air and Marine. The recent OIG report highlights the lack of transparency and accountability within the border drone program – a failing that has deepened as DHS has expanded the deployment of border drones since launching the program in 2004. Yet, even in the wake of the scathing OIG report, there are no signs that CBP, DHS, Congress or the White House is backing away from the dysfunctional and massively expensive drone program. The border drone program has received favored treatment by Congress (both Democrats and Republicans) and the White House (both Bush and Obama), even as CBP has proved unable to demonstrate that drones are effective instruments of border control. Widespread support in federal government for the drone program does not necessarily demonstrate a conviction that Predators on the border are fundamental to border control. Rather, it is likely an indication of the prevalence of political calculations that hold that the more money spent on border security, the better and safer the homeland will be. For some, a corollary is that more border security buildup makes it politically easier to pitch immigration reform. Given the continued support – and calls for increased funding – by both parties and the executive and legislative branches, CBP’s failure to revise or shut down the drone program is not surprising. Even after the release of the devastating OIG review, the House Homeland Security Committee overwhelmingly sent on to a Congressional vote yet another border security bill that would add billions of dollars to the DHS for border control, including increased drone surveillance.

### Mass surveillance hurts counter-terrorism efforts

#### [ ] Broad surveillance makes counter-terror tools ineffective – it gathers too much information to be analyzed.

Corrigan, lecturer at the Open University, 2015

(Ray; Mass Surveillance Will Not Stop Terrorism; Jan 25; Online: [www.slate.com/articles/health\_and\_science/new\_scientist/2015/01/mass\_surveillance\_against\_terrorism\_gathering\_intelligence\_on\_all\_is\_statistically.html](http://www.slate.com/articles/health_and_science/new_scientist/2015/01/mass_surveillance_against_terrorism_gathering_intelligence_on_all_is_statistically.html))

Police, intelligence, and security systems are imperfect. They process vast amounts of imperfect intelligence data and do not have the resources to monitor all known suspects 24/7. The French authorities lost track of these extremists long enough for them to carry out their murderous acts. You cannot fix any of this by treating the entire population as suspects and then engaging in suspicionless, blanket collection and processing of personal data. Mass data collectors can dig deeply into anyone’s digital persona but don’t have the resources to do so with everyone. Surveillance of the entire population, the vast majority of whom are innocent, leads to the diversion of limited intelligence resources in pursuit of huge numbers of false leads. Terrorists are comparatively rare, so finding one is a needle-in-a-haystack problem. You don’t make it easier by throwing more needleless hay on the stack. It is statistically impossible for total population surveillance to be an effective tool for catching terrorists. Even if your magic terrorist-catching machine has a false positive rate of 1 in 1,000—and no security technology comes anywhere near this—every time you asked it for suspects in the U.K. it would flag 60,000 innocent people. Law enforcement and security services need to be able to move with the times, using modern digital technologies intelligently and through targeted data preservation—not a mass surveillance regime—to engage in court-supervised technological surveillance of individuals whom they have reasonable cause to suspect. That is not, however, the same as building an infrastructure of mass surveillance. Mass surveillance makes the job of the security services more difficult and the rest of us less secure.

### Mass surveillance hurts counter-terrorism efforts

#### [ ] Warrants force law enforcement agencies to surveil smarter – it means they’ll gather more data on subjects of interest.

Schwartz, New Yorker contributor, 2015

(Mattathias, “The Whole Haystack,” Jan 26, Online: [www.newyorker.com/magazine/2015/01/26/whole-haystack](http://www.newyorker.com/magazine/2015/01/26/whole-haystack))

Before the event, every bit of hay is potentially relevant. “The most dangerous adversaries will be the ones who most successfully disguise their individual transactions to appear normal, reasonable, and legitimate,” Ted Senator, a data scientist who worked on an early post-9/11 program called Total Information Awareness, said, in 2002. Since then, intelligence officials have often referred to “lone-wolf terrorists,” “cells,” and, as Alexander has put it, the “terrorist who walks among us,” as though Al Qaeda were a fifth column, capable of camouflaging itself within civil society. Patrick Skinner, a former C.I.A. case officer who works with the Soufan Group, a security company, told me that this image is wrong. “We knew about these networks,” he said, speaking of the Charlie Hebdo attacks. Mass surveillance, he continued, “gives a false sense of security. It sounds great when you say you’re monitoring every phone call in the United States. You can put that in a PowerPoint. But, actually, you have no idea what’s going on.” By flooding the system with false positives, big-data approaches to counterterrorism might actually make it harder to identify real terrorists before they act. Two years before the Boston Marathon bombing, Tamerlan Tsarnaev, the older of the two brothers alleged to have committed the attack, was assessed by the city’s Joint Terrorism Task Force. They determined that he was not a threat. This was one of about a thousand assessments that the Boston J.T.T.F. conducted that year, a number that had nearly doubled in the previous two years, according to the Boston F.B.I. As of 2013, the Justice Department has trained nearly three hundred thousand law-enforcement officers in how to file “suspicious-activity reports.” In 2010, a central database held about three thousand of these reports; by 2012 it had grown to almost twenty-eight thousand. “The bigger haystack makes it harder to find the needle,” Sensenbrenner told me. Thomas Drake, a former N.S.A. executive and whistle-blower who has become one of the agency’s most vocal critics, told me, “If you target everything, there’s no target.” Drake favors what he calls “a traditional law-enforcement” approach to terrorism, gathering more intelligence on a smaller set of targets. Decisions about which targets matter, he said, should be driven by human expertise, not by a database.

### Drones can be hacked

#### [ ] Government regulation of drones is key to prevent terrorist hacking of drones.

Bernd, editor at Truthout, 2013   
(Candice, “The Coming Domestic Drone Wars,” September 19, Online: [www.truth-out.org/news/item/18951-the-coming-domestic-drone-wars#](http://www.truth-out.org/news/item/18951-the-coming-domestic-drone-wars))

Domestic Drone Weaknesses Cyber warfare may prove to be the most enduring challenge for the FAA when it comes to ensuring guidelines that will protect Americans adequately as drone technology makes its transition into civilian life. Peter Singer is the director of the Center for 21st Century Security and Intelligence and a senior fellow in the Foreign Policy program at Brookings Institute. He is the author of Wired for War: The Robotics Revolution and Conflict in the 21st Century. According to him, the primary weakness of drone technology is many systems' dependence on GPS signals and remote operation. Even military-grade drone technology can be co-opted, he said. In December 2011, the Iranian Army's electronic warfare unit brought down an American drone, the RQ-170 Sentinel, after it crossed into Iranian airspace. In Iraq in 2009, Iraqi insurgents were able to use $26 software to intercept the video feeds of US Predator drones in a manner "akin to a criminal listening in on the police radio scanner," Singer told Truthout. Most recently, a research team at the University of Texas was able to demonstrate successfully the spoofing of a UAV by creating false civil GPS signals that trick the drone's GPS receiver. "There aren't easy answers to these other than good encryption requirements," Singer told Truthout in an email. The Texas research team hoped to demonstrate the dangers of spoofing early on in the FAA's task to write the mandated rules for UAS integration in the national airspace, and the Department of Homeland Security invited the team to demonstrate the spoofing in New Mexico. "Vulnerability to jamming and spoofing depends highly on the design of the aircraft and control systems and vary across differing architectures. Minimum system performance and design standards developed for civil UAS designs will address these vulnerabilities," an FAA spokesman told Truthout. Whether minimum standards for system performance will be enough to address the changing dynamic of cyber warfare, and for that matter, technology, remains a question, but it's something the FAA and Homeland Security are examining as drone technology becomes more widespread in the US.

### Nuclear terrorism won’t happen

#### [ ] Terrorists lack the motivation and logistical support to acquire nuclear materials – much less assemble a bomb.

Weiss, professor at Stanford University’s Center for International Security, 2015

(Leonard, “On fear and nuclear terrorism,” March 3, *Bulletin of the Atomic Scientists*, Online: <http://thebulletin.org/2015/march/fear-and-nuclear-terrorism8072>)

A recent paper (Friedman and Lewis, 2014) postulates a scenario by which terrorists might seize nuclear materials in Pakistan for fashioning a weapon. While jihadist sympathizers are known to have worked within the Pakistani nuclear establishment, there is little to no evidence that terrorist groups in or outside the region are seriously trying to obtain a nuclear capability. And Pakistan has been operating a uranium enrichment plant for its weapons program for nearly 30 years with no credible reports of diversion of HEU from the plant. There is one stark example of a terrorist organization that actually started a nuclear effort: the Aum Shinrikyo group. At its peak, this religious cult had a membership estimated in the tens of thousands spread over a variety of countries, including Japan; its members had scientific expertise in many areas; and the group was well funded. Aum Shinrikyo obtained access to natural uranium supplies, but the nuclear weapon effort stalled and was abandoned. The group was also interested in chemical weapons and did produce sarin nerve gas with which they attacked the Tokyo subway system, killing 13 persons. AumShinrikyo is now a small organization under continuing close surveillance. What about highly organized groups, designated appropriately as terrorist, that have acquired enough territory to enable them to operate in a quasigovernmental fashion, like the Islamic State (IS)? Such organizations are certainly dangerous, but how would nuclear terrorism fit in with a program for building and sustaining a new caliphate that would restore past glories of Islamic society, especially since, like any organized government, the Islamic State would itself be vulnerable to nuclear attack? Building a new Islamic state out of radioactive ashes is an unlikely ambition for such groups. However, now that it has become notorious, apocalyptic pronouncements in Western media may begin at any time, warning of the possible acquisition and use of nuclear weapons by IS. Even if a terror group were to achieve technical nuclear proficiency, the time, money, and infrastructure needed to build nuclear weapons creates significant risks of discovery that would put the group at risk of attack. Given the ease of obtaining conventional explosives and the ability to deploy them, a terrorist group is unlikely to exchange a big part of its operational program to engage in a risky nuclear development effort with such doubtful prospects. And, of course, 9/11 has heightened sensitivity to the need for protection, lowering further the probability of a successful effort.

### Nuclear terrorism won’t happen

#### [ ] The threat of nuclear terrorism is inflated fear mongering – we must carefully reject the ways militarism structures public discourse on the issue.

Weiss, professor at Stanford University’s Center for International Security, 2015

(Leonard, “On fear and nuclear terrorism,” March 3, *Bulletin of the Atomic Scientists*, Online: <http://thebulletin.org/2015/march/fear-and-nuclear-terrorism8072>)

Fear of nuclear weapons is rational, but its extension to terrorism has been a vehicle for fear-mongering that is unjustified by available data. The debate on nuclear terrorism tends to distract from events that raise the risk of nuclear war, the consequences of which would far exceed the results of terrorist attacks. And the historical record shows that the war risk is real. The Cuban Missile Crisis and other confrontations have demonstrated that miscalculation, misinterpretation, and misinformation could lead to a ‘close call’ regarding nuclear war. Although there has been much commentary on the interest that Osama bin Laden, when he was alive, reportedly expressed in obtaining nuclear weapons, evidence of any terrorist group working seriously toward the theft of nuclear weapons or the acquisition of such weapons by other means is virtually nonexistent. The acquisition of nuclear weapons by terrorists requires significant time, planning, resources, and expertise, with no guarantees that an acquired device would work. It requires putting aside at least some aspects of a groups more immediate activities and goals for an attempted operation that no terrorist group has accomplished. While absence of evidence does not mean evidence of absence, it is reasonable to conclude that the fear of nuclear terrorism has swamped realistic consideration of the threat.

### Terrorism threats are inflated

#### [ ] The threat of terrorism is used to justify government power – unregulated surveillance will be used on innocent citizens too.

Weiss, professor at Stanford University’s Center for International Security, 2015

(Leonard, “On fear and nuclear terrorism,” March 3, *Bulletin of the Atomic Scientists*, Online: <http://thebulletin.org/2015/march/fear-and-nuclear-terrorism8072>)

The rise of the national surveillance state. Lowering the risk of terrorism, particularly the nuclear kind, is the quintessential reason that the mandarins of the national security state have given for employing the most invasive national surveillance system in history. “Finding the needle in the haystack” is how some describe the effort to discern terrorist plots from telephone metadata and intercepted communications. But the haystack keeps expanding, and large elements of the American population appear willing to allow significant encroachments on the constitutional protections provided by the Fourth Amendment. The fear of terrorism has produced this change in the American psyche even though there is no evidence that the collection of such data has resulted in the discovery of terrorist plots beyond those found by traditional police and intelligence methods. It is doubtful that we shall soon (if ever) see a return to the status quo ante regarding constitutional protections. This reduction in the freedom of Americans from the prying eyes of the state is a major consequence of the hyping of terrorism, especially nuclear terrorism. This is exemplified by the blithe conclusion in the previously referenced paper by Friedman and Lewis (2014), in which readers are advised to “be more proactive in supporting our government’s actions to ameliorate potential risks.” The National Security Agency should love this.

### Terrorism threats are inflated

#### [ ] The negative’s experts have a motive to exaggerate the likelihood of an attack – they’re industry talking heads.

Weiss, professor at Stanford University’s Center for International Security, 2015

(Leonard, “On fear and nuclear terrorism,” March 3, *Bulletin of the Atomic Scientists*, Online: <http://thebulletin.org/2015/march/fear-and-nuclear-terrorism8072>)

There is a tendency on the part of security policy advocates to hype security threats to obtain support for their desired policy outcomes. They are free to do so in a democratic society, and most come by their advocacy through genuine conviction that a real security threat is receiving insufficient attention. But there is now enough evidence of how such advocacy has been distorted for the purpose of overcoming political opposition to policies stemming from ideology that careful public exposure and examination of data on claimed threats should be part of any such debate. Until this happens, the most appropriate attitude toward claimed threats of nuclear terrorism, especially when accompanied by advocacy of policies intruding on individual freedom, should be one of skepticism. Interestingly, while all this attention to nuclear terrorism goes on, the United States and other nuclear nations have no problem promoting the use of nuclear power and national nuclear programs (only for friends, of course) that end up creating more nuclear materials that can be used for weapons. The use of civilian nuclear programs to disguise national weapon ambitions has been a hallmark of proliferation history ever since the Atoms for Peace program (Sokolski, 2001), suggesting that the real nuclear threat resides where it always has resided-in national nuclear programs; but placing the threat where it properly belongs does not carry the public-relations frisson currently attached to the word “terrorism.”